

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JASON MATHIS,  
Petitioner,  
v.  
WARDEN, N.N.C.C., et al.,  
Respondents.

Case No. 3:22-cv-00091-ART-CLB

## **ORDER**

Petitioner, who is an inmate at the Northern Nevada Correctional Center, has submitted a motion for extension of time to file a petition for a writ of habeas corpus. ECF No. 1-1. Petitioner did not file an application to proceed in forma pauperis, nor did he pay the filing fee of \$5.00. He must do one of these before the action may proceed. After the petition is filed, the court will consider whether it is timely under 28 U.S.C. § 2244(d)(1), and Petitioner will have the opportunity to argue the circumstances, if any, that warrant equitable tolling to excuse a petition that would be untimely under the statute. Petitioner's motion is premature at this stage.

IT THEREFORE IS ORDERED that petitioner must file an application for leave to proceed in forma pauperis, accompanied by a signed financial certificate and a statement of his inmate account. The clerk of the court is directed to send petitioner a blank application form for incarcerated litigants. In the alternative, petitioner must make the necessary arrangements to pay the filing fee of \$5.00, accompanied by a copy of this order. Petitioner will have 45 days from the date that this order is entered to comply. Failure to comply will result in the dismissal of this action.

1 IT FURTHER IS ORDERED that the clerk of the court file the motion for  
2 extension of time to file a petition for a writ of habeas corpus, currently in the  
3 docket at ECF No. 1-1.

4 IT FURTHER IS ORDERED that the motion for extension of time to file a  
5 petition for a writ of habeas corpus is DENIED without prejudice and can be  
6 refiled when the court is considering the timeliness of his petition, if filed.  
7

8 IT FURTHER IS ORDERED that the clerk of the court send petitioner a  
9 petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 form with  
10 instructions. Petitioner will have 45 days from the date that this order is  
11 entered in which to file a petition for a writ of habeas corpus. Neither the  
12 foregoing deadline nor any extension thereof signifies or will signify any implied  
13 finding of a basis for tolling during the time period established. Petitioner at all  
14 times remains responsible for calculating the running of the federal limitation  
15 period under 28 U.S.C. § 2244(d)(1) and timely asserting claims. Failure to  
16 comply will result in the dismissal of this action.

17 IT FURTHER IS ORDERED that petitioner must place the case number,  
18 3:22-cv-00091-ART-CLB, in the space provided on the form, even though the  
19 form states that the clerk of the court will provide the case number.

20 DATED: THIS 6th day of May, 2022



21  
22 ANNE R. TRAUM  
23 United States District Judge  
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